

**CITY OF ANGELS
PLANNING COMMISSION
SUMMARY MINUTES**

**Regular Meeting of Thursday December 10, 2009
City Fire House 1404 Vallecito Road
Angels Camp, California**

CALL TO ORDER

The meeting was called to order by Chairman Gary Croletto at 6:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

Commissioners Present: Chair Croletto, Vice-Chair Middleton, and Commissioner Rowe

Commissioner Absent: Commissioner Cullick

Staff Present: Planning Director David Hanham, and Deputy City Clerk Jennifer Preston

APPROVAL OF MINUTES

1. Approval of the November 12, 2009 Planning Commission Minutes.

MOTION BY COMMISSIONER ROWE AND DULY SECONDED BY COMMISSIONER MIDDLETON AND CARRIED 2-0 WITH COMMISSIONER MIDDLETON ABSTAINING TO APPROVE THE NOVEMBER 12th, 2009 PLANNING COMMISSION MEETING MINUTES.

VERIFICATION OF RESOLUTIONS

None

PUBLIC COMMENTS

OPENED 6:25 P.M.

CLOSED 6:26 P.M.

COMMUNICATIONS AND PETITIONS

None

PUBLIC HEARING

2. Resolution 2009-24 recommending to the City Council the Rezoning of the SC district to CC district along Highway 49.

Planning Director Hanham presented the staff report and Resolution 2009-24 recommending to the City Council the Rezoning of the SC district to CC district along Highway 49.

PUBLIC COMMENT OPENED 6:30 PM.

Robert Lee resident of 488 Lee Lane.

Mr. Lee stated that his property is 058-023-033 zoned R-3 and my grandmother Alice Lee has her property at 058-023-032 zoned R-3 and is going to be rezoned to CC. We are against the rezoning of these properties because of the following reasons (see attachment 1). What is the reason for wanting to rezone mine and my grandmother's residential lots, with existing homes, to community commercial?

Planning Director Hanham stated that your properties were included in the General Plan Land Use as Central Commercial. The General Plan Land Use Plan was adopted by the City Council. Pursuant to State Law, the City is required to make sure that all of the parcels within the City Limits zoning is in compliance with the Land Use Element Compatibility Table.

Mr. Lee questioned about being notified about the General Plan being changed.

Planning Director Hanham stated that the General Plan process and public hearing were noticed in accordance with State Law.

Chair Croletto stated that there was two public workshops that were public noticed inviting anyone that wanted to change the zoning could do so by filling out a form.

Planning Director Hanham explained the State requirement for a public hearing notice. This project was noticed properly with a ¼ page ad in the Calaveras Enterprise, a 500 foot radius of the property being rezoned, and the posting of the notices in Post Office and City Hall. The Planning Director explained that by leaving the property residential, a General Plan Amendment or Rezone would be required for any construction project on the property.

Mr. Lee stated that he would like his property to stay residential because he just built his home in 2006 and no one at that time told him that it might be rezoned. We would be willing to get an attorney to fight this issue.

Planning Director explained the non-conforming issues that surround the property. Planning Director stated a variance application would be needed to review any construction on the property.

Anita Valente Nyland property owner of 20 S. Main.

Ms. Nyland stated that her property is on the corner of 4 and 49 across from Frog Jump Plaza to the south. I understand that when the zoning for the General Plan was done that our property was going to be commercial and it was already commercial so there was no problem there. Now it seems like this change would restrict the size of a development to our property.

Planning Director Hanham stated that as the zoning ordinance reads right now it wouldn't change anything; however the city is looking at adding verbiage to the SC and CC districts to restrict sizes of building allowed. Currently there are really no differences between the two zones.

Ms. Nyland stated that the City shouldn't be doing this because it takes away our rights and devalues our property to potential buyers. The Zone Change would reduce our options as owners.

Planning Director stated that the General Plan Committee wanted to establish three (3) distinct commercial areas in the City. The intent of establishing the different commercial areas is to develop different styles and sizes of development so that the City can provide a variety of different commercial uses. Planning Director stated that most of the parcels are already compatible with the CC zone district. In the past couple of years, the city has been trying to change the way tourists see our city. The branding initiative that is being implemented is to make our city more attractive to tourists. That is why the elected City Council adopted the Land Use that we are now trying to make our zoning in compliance with.

Ms. Nyland stated that she would think that the city would like to keep her area SC because of what is across the street. I don't want my options taken away from me and my property to be devalued. If a couple of the property owners next to me all sell to one owner and then they want to make a large development then they are going to be restricted and that isn't right.

Chair Croletto stated changing the property to CC from SC doesn't mean that the property value will go down; it might make it worth more. We only have the parcels that are there right now to work with; we can not guess if different property owners will sell together or not.

Commissioner Rowe questioned Ms. Nyland if she is looking to have all four corners of Highway 4 & 49 SC.

Ms. Nyland stated she doesn't have anything in mind about that area. She just doesn't want to lose options for her property.

Planning Director Hanham stated that when a General Plan gets adopted there are implementation measures that City Council approved to complete the process. This is the first step of that process. The next step will be to define all the different zone districts in the General Plan.

Commissioner Middleton wants to know how big Ms. Nyland property is.

Planning Director Hanham stated that it is roughly 2.5 acres.

Commissioner Middleton stated that if a developer bought a couple of those properties he would just have to then apply for a General Plan amendment and rezone to SC.

Ms. Nyland stated that she thinks that the Public Notices should have more information on them so that the public will understand what is going to be talked about at the meetings.

Planning Director Hanham stated that staff will take a look at that.

Walter Valente property owner of 20 S. Main.

Mr. Valente stated that this property is one of the most unique pieces of property in Angels Camp because of its location. Mr. Valente stated that anything the Planning Commission does will affect that property in the future to what kind of businesses can be there. These restrictions will cost us money in the future. We don't want to change the zoning, because I don't think its fair, I don't think its right, and I don't think it's in the benefit of the community to do that. To put the burden on us because of where our property is, is wrong and we don't want the restrictions on us.

Mr. Lee stated that everyone is talking about consistency with the General Plan, I didn't notice this before but the lot next to mine is zoned SC and it is three lots back, so is mine and my grandmothers. Why wasn't that lot changed to R-3 to be consistent with our lots?

Planning Director Hanham stated that the consistency isn't with your two parcels but it is consistency with the General Plan Land Use.

PUBLIC COMMENT CLOSED 7:30 PM.

Commissioner Middleton questioned if we leave their properties the way they are right now then we won't be in compliance? If he wants to build a shop, does he have to build it to commercial standards?

Planning Director Hanham stated that if we leave the properties the way they are, the zoning will not be consistent with the General Plan. Planning Director Hanham stated that the parcel is already in non-compliance based on the old Land Use and Zoning. Land Use Designation and zoning districts are two completely different things, but they need to match each other.

Chair Croletto stated it depends on what type of building. If we start making exceptions to this now we will receive a lot more because this is just the first round.

Planning Director Hanham stated that I am recommending that you approve this zone district and move it to the City Council.

Commissioner Middleton stated that then the Land Use and Zoning Maps are two different maps.

Chair Croletto stated that these problems with the Land Use and the Zoning not matching up are all over the city, including Greenhorn Creek, not just the older areas of town.

Mr. Lee questioned if you apply for a variance, do you have to have all of your drawings and specs done, or can you just apply for a variance by description of what you want to do.

Planning Director Hanham stated that you have to turn in a site plan that shows existing and what you want to do.

Commissioner Rowe stated that she would like to know how much things would cost to change the General Plan for a property. Also I think maybe we should continue this item.

MOTION BY COMMISSIONER ROWE AND DULY SECONDED BY COMMISSIONER MIDDLETON AND CARRIED 3-0 TO CONTINUE THIS ITEM TO THE JANUARY PLANNING COMMISSION MEETING.

3. Resolution 2009-23 recommending to the City Council Title 15, Chapter 12, Section 210, Temporary Signs.

Planning Director Hanham presented the staff report and Resolution 2009-23 recommending to the City Council Title 15, Chapter 12, Section 210, Temporary Signs.

PUBLIC COMMENT OPENED 7:58 PM.

Ms. Nyland stated that she would like to know what the size of the temporary sign could be. What is the time limit also?

Planning Director Hanham stated that it could be 32 square feet, roughly the size of a sheet of plywood 4X8. The existing temporary signs are good for 90 days, but we are looking to change that to 30 days. We are limiting temporary signs to 6 signs.

PUBLIC COMMENT CLOSED 8:00 PM.

Commissioner Rowe stated that there has been talk about political signs.

Commissioner Middleton stated that the Grand Opening signs will be good for 30 days but they can come back and apply again.

Planning Director Hanham stated that political signs are controlled by state law. Staff can extend the issuance of temporary signs after 30 days if the applicant comes back in and reapplies.

Chair Croletto stated that on the Resolution in the last paragraph the date should be December 10th. We should also add financiers to section "C".

MOTION BY COMMISSIONER MIDDLETON AND DULY SECONDED BY COMMISSIONER ROWE AND CARRIED 3-0 TO APPROVE RESOLUTION 2009-23 A RESOLUTION OF THE CITY OF ANGELS PLANNING COMMISSION TO AMEND TITLE 15, CHAPTER 12, SECTION 210 TEMPORARY SIGNS AS AMENDED.

4. Resolution 2009-25 recommending to the City Council Title 17, Chapter 9, Zoning Definitions.

Planning Director Hanham presented the staff report and Resolution 2009-25 recommending to the City Council Title 17, Chapter 9, Zoning Definitions.

Commissioner Middleton stated that it looks fine to him.

Commissioner Rowe stated that it looks fine to her also.

Chair Croletto stated that on the Resolution the date should be December 10th. On page 9 in the last sentence, "Such retail stores exceed" should be "Such retail stores shall not exceed". Low Profile Antenna is fine with me. Page 20 with Real-estate Office last sentence "sale" should be "sell".

MOTION BY COMMISSIONER MIDDLETON AND DULY SECONDED BY COMMISSIONER ROWE TO APPROVE RESOLUTION 2009-25 A RESOLUTION OF INTENT TO THE CITY OF ANGELS PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL TO APPROVE AN AMENDMENT TO TITLE 17, CHAPTER 9, DEFINITIONS AS AMENDED.

PLANNING COMMISSION MATTERS

5. Large Format Ordinance Review

Planning Director Hanham presented the staff report.

Corrections are as follows:

Page 1.

17.30.010 Purpose of intent. The 1st sentence should read “The SC District is intended to provide a wide range of retail sales and services related to the varied needs of the City, its residents, visitors, and the surrounding unincorporated area.

Page 2.

Item B, 10. Auto rental agency should be Vehicle rental agency.

Item D. Add “take out”.

Item J. Add “Out-patient surgery centers”.

Item K. Add “3,000 sq. ft.” after three thousand square feet.

Item N. Delete totally.

Page 3.

17.30.070 Item A. “7,000 sq ft” should be “7,500 sq ft”.

Item C. Should be “Maximum building height, forty feet (40’).”

Item F, 2. Should be “Side, five feet (5’).”

17.30.080 Item B. Should be “Building Coverage – Large format retail stores shall not exceed 80,000 square feet of retail area.”

Item C. Should be “Maximum building height; forty feet (40’).”

Item F. Should be “Front, ten feet (10’).”

Also need to add outside storage with separate headings and sub-headings and then bring back to next meeting.

6. Draft Tree Ordinance Review

Planning Director Hanham presented the staff report.

Chair Croletto stated that he spent about 2 hours on Auburn’s Tree Ordinance feels its way out of date. Auburn’s Ordinance would not get past City Council because it is a developer’s nightmare. I liked the Rocklin Tree Ordinance approach, it really tries to help people. I think that we need to really look at this and bring it back to the next meeting. We need to be careful with this, I know of two Council members that will vote no to this. The one thing that I liked about Rocklin was that it tells people what to do and how to trim branches and things like that.

Commissioner Middleton stated that these make it difficult for the developers but once a person buys the house then they can do whatever they want to the trees.

Commissioner Rowe stated that the ordinance doesn’t even start until page 34 of this, so I went through and started to rewrite what I believe to work for us here in Angels Camp. The biggest thing that I found about all of this is that we have to educate the people of the City about trees, and that is what I liked about the Rocklin one. We could have a list of trees not just oaks that are native to this area. I was contacted by a friend that is a developer and he would be interested in talking about this issue from a developers stand point.

Chair Croletto stated that I believe that we are saying the same thing, that we need to be careful with this. This will have to go through City Council, if this ordinance steps on the developers toes then they will vote no.

Planning Director Hanham stated no matter what we end up doing the enforcement will be the most difficult aspect of this ordinance based on the current staffing levels. Staff wants to make

sure that the ordinance is in place. By approving this ordinance, staff will have a process to pursue violations.

Chair Croletto stated that when we make our recommendation to the City Council, we need to make sure that everything is in place to help this Ordinance get adopted. My suggestion is that we bring this back to the next meeting.

Planning Director Hanham stated that we will bring this item back to the next meeting.

7. Resolution 2009-27 New Sign in Historical District at 1211 S. Main.

Planning Director Hanham presented staff report and resolution 2009-27 a resolution adopting project 2009.52 a sign permit in the historic district for "Family Community Church".

Commissioner Rowe questioned the date when this was received. Also the applicants name says its Don Gifford's Community Church but the picture of the sign says Family Community Church.

Planning Director Hanham stated that the date was November 20th and the sign will say Family Community Church.

Chair Croletto stated that we didn't get the sign application and the photograph that we normally do. It requires a picture of the building and where the sign will be going on it. Also the total signage area says in different places anywhere from 90, 50, and 20 sq ft.

Planning Director Hanham stated that I didn't receive a photograph from the applicant and I just didn't include the application. In the historical district there are different rules for these signs and it has an underlining district of CC. In the CC district, total signage is 90 sq ft, but since it is also in the historical district it is now 50 sq ft. In regards to the 20 sq ft issue, it should be 50 sq ft.

Chair Croletto stated that the sign proposed doesn't work out anyways because he has a 30 x 30" sign, with letter that are 6" in height with three lines of lettering. The lettering would be 18" and then with the two lower lines of 5" inches each make another 10" for a total of 28", which means between his lines he only has 11/32nds of an inch. I don't have a problem with the sign but there are problems with the lettering and not having all of the information that we need. Maybe we need to contact the applicant and tell him that his sign will not work.

Planning Director Hanham stated that we should continue this to the next meeting and we will call the applicant with this information.

COMMITTEE REPORTS

8. Joint City Council/Planning Commission Workshops – Chairman Croletto.

Chair Croletto stated that there is nothing at this time.

9. Infrastructure Committee – Chairman Croletto

Chair Croletto stated that the committee was cancelled and will meet on the 18th.

10. Traffic Circulation Committee- Commissioner Middleton

Commissioner Middleton stated that our meeting was just prior to this meeting tonight. We talked about the Legacy Streets and deleted some of the streets that are wide enough to improve. We also discussed parking issues downtown and coming up with parking standards for stalls. We talked about an in-lieu fee for parking downtown.

11. Large Format Committee- Chairman Croletto

Chair Croletto stated that we already talked about that tonight.

12. General Plan Implementation-Commissioner Rowe

Commissioner Rowe stated that there was no meeting this month.

13. BLT-Commissioner Rowe

Commissioner Rowe stated that she didn't go to the meeting and I believe that they cancelled the meeting anyways because of the snow. Bicycle racks are something to keep in mind because the BLT would like some downtown.

COMMISSIONER'S REPORTS

14. Action List-Chair Croletto

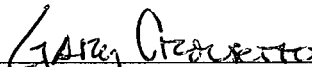
Chair Croletto handed out the Action List dated 12/10/09. (see attachment 2).

Commissioner Rowe stated that she will not be here in March for the Meeting.

STAFF REPORTS

Planning Director Hanham stated the Housing Element has been sent to the state. The Angels Creek Master Plan and Trail RFP's are due tomorrow and I am expecting about 12 submittals. McDonald's should be coming in soon with their application. I will also be starting on the next set of rezones and that will be North of Highway 4.

MEETING WAS ADJOURNED AT 10:05 p.m.



Gary Croletto, Chairman

ATTEST:



Jennifer Preston, Deputy City Clerk

Attachment 1

**LEE – WAY CONSTRUCTION
P.O. BOX 521
ALTAVILLE, CA 95221
209-736-4192 phone
209-736-0269 fax
License #762770**

Date: 12-10-2009

Attn: David Hanham, Planning Director
City of Angels Planning Department

Proposed rezone of parcels 058-023-032 and 058-023-033

I am the owner of the parcel 058-023-033 and am speaking in behalf of my Grandmother owner of 058-023-032. These two parcels are on your list for scheduled rezone to (CC) Community Commercial from (R3) Residential.

We are against the rezoning of these parcels to Community Commercial for several reasons:

1. Changing the zoning to CC will not allow any change in the footprint existing houses. If one wants to add on he can not; as my family grows I may require the need for expansion and under the new zoning will not be able to. Also, I plan on building an approximate 3000 square foot garage/shop/outbuilding next to my house and can not unless designed as a commercial building. The cost increase for my garage would be huge.
2. My wife wants a swimming pool; will not be able to have without jumping into the commercial laws and regulations.
3. The increased Building Code Regulations from R3 to CC for any type of remodel, add on, and/or building on the property. There are a different set of design rules and regulations for Commercial Properties vs. Residential Properties. For example: Fire flows must be met and if not met I may be required to put fire sprinklers in my garage and/or house; I would have to get approval from Cal Trans for access before acquiring a building permit, plans and design are much more stringent for commercial buildings, and permit and fee costs are much more.
4. The rezone will de-value my property to potential buyers and appraisers by imposing more local government rules and regulations.
5. After reviewing the rezoning map I have noticed that the map is inconsistent with the rest of the parcels being rezoned. These two parcels are the only

residential properties being converted and are the only parcels which are three lots deep; the standard is two parcels from Highway 49.

These are only a few of the issues I will have to face if my property is rezoned to community commercial. Right now it is my right to add on, build a garage/shop, or have a swimming pool but if rezoned it will not be. As a partner of Lee – Way Construction, we have completed many commercial projects within the county and city and am full aware of the impact the change in zoning will have on these properties with regard to regulation, codes, and cost of adding a building or remodel.

I am a life long resident of Angels Camp and my family has been here since the gold rush; hence the name Lee Lane. We are not going anywhere. 5 or 10 years in the future, the planning department and director may be a different set of people and will impose commercial building code rules and regulations to the letter of the law; for they have not heard my case.

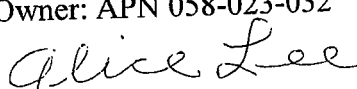
What is the reason for wanting to rezone mine and my grandmother's residential lots, with existing homes, to community commercial?

I am prepared to seek legal counsel to defend my rights as a property owner if my and/or my grandmother's property is continued to be pursued as part of the general plan for commercial properties within the City.

 12-10-09

Robert Lee
Owner: APN 058-023-033

Alice Lee
Owner: APN 058-023-032

 12-10-09

Attachment 2

City of Angels Planning Commission Action List
12/10/2009

[illegible]